

REMARKS

This responds to the Office Action mailed on June 14, 2007.

Claims 15 and 46 are amended, no claims are canceled or added in this response; as a result, claims 1-16, 18-47 and 49-63 remain pending in this application. Claims 15 and 46 have been amended as suggested in the Office Action to clarify and more particularly point out certain aspects related to training a musical system to recognize notes. Applicant thanks the Examiner for providing the suggested claim amendment.

§103 Rejection of the Claims

Claims 15, 18, 20, 46, 49, and 51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chantzis et al. (U.S. Pat. No. 6,417,435) in view of Ludwig (U.S. Appln. No. 2004/0069128). Applicant has amended claims 15 and 46 to clarify aspects of training a system to recognize musical notes. In particular, claims 15 and 46 have been amended, as suggested in the final Office Action, to recite “training a system to recognize a set of notes played by a musical instrument to create one or more reference notes played by the same musical instrument.” Applicant respectfully submits that the combination of Chantzis and Ludwig does not teach or suggest training a system to recognize notes played by a musical system based on reference notes played by the same musical instrument. Therefore claims 15, 18, 20, 46, 49, and 51 are not obvious in view of the combination of Chantzis and Ludwig. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 15, 18, 20, 46, 49, and 51.

Claims 16, 19, 21-23, 47, 50, and 52-54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chantzis et al. and Ludwig in view of Taruguchi et al. (U.S. Pat. No. 6,380,474). Claims 16, 19 and 21-23 depend either directly or indirectly from claim 15, and claims 47, 50 and 52-54 depend either directly or indirectly from claim 46. As noted above, base independent claims 15 and 46 have been amended to recite training a system to recognize notes based on reference notes played by the same musical instrument. None of Chantzis, Ludwig or Taruguchi discloses the recited language. Therefore claims 16, 19, 21-23, 47, 50, and 52-54 are not obvious in view of the combination of Chantzis, Ludwig and Taruguchi. Applicant

respectfully requests reconsideration and the withdrawal of the rejection of claims 16, 19, 21-23, 47, 50, and 52-54.

Allowable Subject Matter

Applicant notes with appreciation that claims 1-14, 24-45, and 55-63 were allowed.

Claims 15, 16, 18-23, 46, 47, and 49-54 were indicated to be allowable if the Applicant were to add a limitation (to the independent claims) drawn to “training data produced by the instrument itself.” As noted above, Applicant has amended independent claims 15 and 46 as suggested in the Office Action. In view of the amendments, Applicant respectfully submits that claims 15, 16, 18-23, 46, 47, and 49-54 are allowable.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant’s silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date August 14, 2007

By / [Signature] /
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 14th day of August 2007.

Rodney L. Lacy

Name

/ [Signature] /
Signature